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Report of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action on its fifteenth session

Note by the Secretariat

The Secretariat has the honour to transmit the report of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action on its fifteenth session from 9 to 20 October 2017. The report was prepared pursuant to Council resolution 34/34.

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Report of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action on its fifteenth session

I. Introduction

1. The present report is submitted by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action in accordance with Human Rights Council resolution 34/34.

II. Organization of the session

2. The Working Group held its fifteenth session from 9 to 20 October 2017. Participants discussed and shared views on the state of racial discrimination worldwide and measures to enhance the effectiveness of the follow-up mechanisms to the Durban Declaration and Programme of Action and to ensure better synergies in the work of those mechanisms. The Working Group reviewed the progress achieved in the implementation of the programme of activities of the International Decade for People of African Descent and on the implementation of recommendations adopted at its previous session. The Working Group exchanges and discusses good practices on measures undertaken to promote societies that are more inclusive: training and awareness-raising for law enforcement officials and the judiciary; monitoring and investigation hate speech and hate crime; and protection of migrants and refugees against racism, racial discrimination, xenophobia and related intolerance.

A. Attendance

3. The session was attended by representatives of States Members of the United Nations, observers from non-Member States and by intergovernmental and non-governmental organizations (NGOs).

4. Under items 5 and 6 of the programme of work, presentations were made by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mutuma Ruteere, independent eminent expert, Edna Santos Roland, and the Chair of the Committee on the Elimination of Racial Discrimination, Anastasia Crickley. Under item 7, presentations were made by the Chair of the Working Group of Experts on People of African Descent, Sabelo Gumedze, and by Ms. Santos Roland. Civil society representatives from Switzerland (Celeste Ugochukwu and Awa Balla Ndiaye), Germany (Elisabeth Kaneza) and the Netherlands (Barryl Biekman) also presented interventions under item 7.

5. Under item 9, presentations were made by the Permanent Representative of Singapore to the United Nations Office and other international organizations in Geneva, Foo Kok Jwee; the Mayor of the City of Birmingham, Alabama, United States of America, William Bell; Margarita Maria Castilla Peon of the technical secretariat of the Mexico City Council to Prevent and Eliminate Discrimination; the manager of the inclusion, protection and engagement unit of the International Federation of Red Cross and Red Crescent Societies, Amjad Saleem; the Secretary-General of the National Consultative Commission on Human Rights, France, Magali Lafourcade; and a representative of the National Institute against Discrimination, Xenophobia and Racism, Argentina, Agustin Analian.

6. Under items 10 and 11, presentations were made by the Director of the Thurgood Marshall Civil Rights Centre, Washington D.C., and Associate Professor of Law, Justin Handsford; former member of the Committee on the Elimination of Racial Discrimination, Patrick Thornberry; Christel Mercadé, legal/policy officer, fundamental rights and rule of law unit (European Commission); Denis Roth-Fichet, senior lawyer, European Commission against Racism and Intolerance; and Mireya Del Pino Pacheco, Director of Studies and

Public Policies, National Council to Prevent Discrimination, Mexico, the Head of the International Migration Law Unit at the International Organization for Migration (IOM), Kristina Touzenis, and the Professor of International Migration at Coventry University, United Kingdom of Great Britain and Northern Ireland, Heaven Crawley.

B. Opening of the session and election of the Chair-Rapporteur

7. The Permanent Representative of Sierra Leone to the United Nations Office and other international organizations in Geneva, Yvette Stevens, was elected Chair-Rapporteur.

III. Discussion of the state of racial discrimination worldwide

8. Mr. Ruteere discussed some of the main issues he had been working on as the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. He emphasized that in today's counter-terrorism context, the world was witnessing a global rise in anti-immigrant and more specifically anti-Muslim rhetoric.

9. Mr. Ruteere had presented a report to the Human Rights Council on the resurgence of xenophobia in the wake of increased immigration and had noted that the issue had not received the attention it deserved. He had further noted that racial profiling by law enforcement officials was widespread and that it acted as a constant reminder of the normalization of racism and xenophobia.

10. He had also raised his concern about the prevalence of racism at sporting events and racial hostility in sports clubs. He had noted that new information technologies were being increasingly exploited to disseminate messages of racial and religious hatred, but argued that the Internet and social media should instead be harnessed as tools for more inclusive speech and global solidarity.

11. Ms. Santos Roland stated that the world was witnessing a rising tide in the manifestations of racism. She noted that a lack of information on and awareness of racial discrimination in the Latin American region often resulted in a lack of recognition of the problem. She also noted the lack of representation of people of African descent in positions of power, especially in the judiciary, and that affirmative action policies were needed in order to achieve equal educational and labour attainment.

12. In addition, Latin America had recently seen the scourge of xenophobia as a result of an increasing flow of migrants. That hatred towards people of other countries was made worse by declining local economies and rising rates of unemployment, which increased fear amongst the population. That had further resulted in the dissemination of ideas based on racial superiority and hatred that had not been addressed effectively, as a consequence of services not having the effective skills to do so.

13. Ms. Crickley drew attention to the great importance of the intersectionality between racism and gender oppression. She emphasized that people who experienced racism were not all the same and that they most likely suffered from multiple and aggravated forms of discrimination, compounded by factors such as gender identity and disability.

14. Ms. Crickley noted the danger of renaming racial discrimination as just another form of oppression. She stressed that xenophobia was the chief cause of racism against migrants and refugees and emphasized that fear of people who looked different did not justify denying them their human rights.

15. In terms of the issues with which the Committee on the Elimination of Racial Discrimination had recently been struggling, Ms. Crickley highlighted the denial by Member States of racial profiling by their law enforcement officials; anti-Muslim discrimination; racism experienced by migrants and refugees, particularly in the context of their right to work; and the intersection between racism and gender oppression, specifically with reference to the employment rights of domestic workers.

16. The representative of the European Union stated that racism was on the rise and that it negatively affected equality, freedom and justice. She emphasized that prevention was

key and that it was important to sensitize the younger generation to racial discrimination and the need for tolerance and inclusion.

17. The representative of South Africa stated that a lot of work remained to be done to address racism and called on States to embrace the Durban Declaration and Programme of Action.

IV. Discussion on the measures to be taken to enhance the effectiveness of the follow-up mechanisms to the Durban Declaration and Programme of Action and to ensure better synergy and complementarities in the work of these mechanisms, in line with article 124 of the Outcome Document of the Durban Review Conference

18. The Working Group invited the group of independent eminent experts to participate in its fifteenth session with a view to ensuring the effective participation and optimal utilization of its mandate. The Working Group and the members of group of the independent eminent experts discussed the function and mandate of the group and the way in which the two mechanisms could work effectively together.

19. Ms. Crickley outlined the approach taken by the Committee on the Elimination of Racial Discrimination to ensure better synergies and complementarities regarding the Durban mechanisms. The Committee on the Elimination of Racial Discrimination favoured a direct engagement on an annual basis with the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and attempts to work together on common issues.

20. She noted that the meeting of the Chairs of the human rights treaty bodies, created with the purpose of ensuring complementarity, had been particularly useful in providing space for discussions between groups, and that complementarity, both horizontally and vertically, should be seen as a way of reinforcing the mechanisms within the United Nations system.

21. Ms. Santos Roland reminded participants that the Durban Declaration and Programme of Action gave a mandate to the group of independent eminent experts to follow up on its implementation. The group was composed of five experts who worked independently in their personal capacity and were responsible for following up on the Durban Declaration and Programme of Action in their respective regions.

22. The Working Group, however, had a specific mandate to receive all information regarding the implementation of the Durban Declaration and Programme of Action, by allowing discussions in which Member States were able to share their experience of implementation.

23. The representative of Zimbabwe, on behalf of the Chair-Rapporteur of the Ad Hoc Committee on the Elaboration of Complementary Standards to the International Convention on the Elimination of All Forms of Racial Discrimination, shared his support for the imperative need for closer cooperation between the three Durban follow-up mechanisms. He also informed participants of the decision of the Human Rights Council to implement the request of the General Assembly, contained in its resolution 71/181, addressed to the Chair-Rapporteur of the Ad Hoc Committee, to ensure the commencement of negotiations on the draft additional protocol to the Convention criminalizing acts of a racist and xenophobic nature during the tenth session of the Ad Hoc Committee. He also highlighted paragraph 5 of resolution 71/181, in which the General Assembly had expressed its concern at the lack of progress in the elaboration of complementary standards to the Convention.

V. Review of the progress achieved concerning the programme of activities for the implementation of the International Decade for People of African Descent

24. The Chair of the Working Group of Experts on People of African Descent opened the session by stating that bias against people of African descent continued to this day and that racism was still very prevalent. He noted his deep concern for the multiple and intersecting forms of discrimination from which people of African descent suffered, based on their race, ethnicity, gender, class, language, culture, religion, minority and migration status and other related grounds. He further raised concern about the lack of accountability for acts of violence and other human rights violations against people of African descent. He stressed that structural racism and discrimination were widespread in the administration of justice and that people of African descent were particularly vulnerable to racial profiling as well as generally overrepresented in the criminal justice system.

25. Ms. Santos Roland noted that in the Latin American and Caribbean region important advances had been made in the implementation of policies that sought to combat racism and promote equality. Several States in the region had also adopted national action plans and other legislative measures to combat racism and racial discrimination. Monitoring bodies had been put in place to check progress on the achievement of equality, and education and awareness-raising were being employed to sensitize the population to the harm done by racial discrimination.

26. She reiterated the importance of data collection and emphasized that without information and data it was not possible to give adequate recognition to people of African descent or to address the discrimination they faced.

27. The representative of Brazil noted that the date for the next national conference on racial discrimination in Brazil had been set and that its theme would echo the International Decade for People of African Descent by focusing on recognition, justice, development, equality and human rights. She noted that Brazil had instituted normative and institutional changes to foster the participation of Afro-Brazilians in public, economic and political life.

28. The representative of South Africa voiced an urgent call for action. It stated that the plight of people of African descent was deteriorating and that all States should therefore remain committed to the International Decade and to the overarching aim of the 2030 Agenda for Sustainable Development to leave no one behind.

29. The representative of Cuba noted that Cuba was implementing many activities to foster the greater participation of people of African descent and to give greater visibility to projects aimed at recovering their history. It had hosted media events and cinema screenings to promote the heritage of people of African descent and to overcome prejudice against and stereotyping of them.

30. The representative of the European Union noted the remarkable recognition of the reality of people of African descent, specifically the denial of their basic human rights. She called for the full and effective implementation of international mechanisms such as the International Convention on the Elimination of All Forms of Racial Discrimination and the Durban Declaration and Programme of Action. She noted that the Durban Programme of Action emphasized the need to strengthen national action.

31. During the discussion on the implementation of the International Decade for People of African Descent through multi-stakeholder cooperation, Mr. Ugochukwu noted that a number of studies involving multiple stakeholders had been conducted on the state of anti-black racism in Switzerland. One of the studies had mapped the traces of the transatlantic slave trade and colonialism in Switzerland.

32. Ms. Kaneza firstly noted that Germany did not have a far-reaching or rich history when it came to people of African descent. They therefore remained a largely invisible minority in the country. Similar to the experience of people of African descent in other countries, in Germany they were also disproportionately victims of racism and racial discrimination, police profiling and police brutality. Women of African descent were even

more discriminated against, given that their gender acted as an additional and aggravating basis for discrimination.

33. Ms. Kaneza further noted that the launch of the Decade in Germany had led to a multi-stakeholder approach to address racism in the country. She noted that the Federal Anti-Discrimination Agency had participated in the launch of the Decade and that the German Institute for Human Rights continued to help monitor the situation of people of African descent.

34. Ms. Biekman reiterated that the effects of the transatlantic slave trade and slavery continued to manifest themselves today. She noted that colonialism had resulted in racism and that Africans and people of African descent continued to be the victims of its consequences, including social and economic inequality. She reiterated the need for the full and effective implementation of the Durban Declaration and Programme of Action.

35. Ms. Biekman stated that civil society organizations were a significant actor in the combat against racism and discrimination against people of African descent. She emphasized the need for civil society organizations to be well organized and to communicate clearly with Governments.

36. Ms. Ndiaye reiterated the importance of the Durban Declaration and Programme of Action in making it possible to understand the history of racism and providing possible solutions to the multifaceted problem. She made reference to paragraph 158 of the Durban Programme of Action, in which the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance had called for the facilitation of the welcomed return and resettlement of the descendants of enslaved Africans, stating that people of African descent should be granted the right and opportunity to return to a country of their choice on the continent and granted citizenship.

37. In the ensuing discussion, the representative of the European Union, supported by Germany, reiterated that civil society organizations were the driving force behind the implementation of the Decade and a key actor for change. She also reiterated the importance of portraying people of African descent in a positive light.

38. The representative of the United States reaffirmed the country's efforts to guide the implementation of the International Decade for People of African Descent and its commitment to promoting the enjoyment of human rights, racial equality, religious freedom and social inclusion for people of African descent, both domestically and internationally. The representative highlighted the support of the United States for cultural educational initiatives and shared the most recent developments on promoting African-American culture.

VI. Review of the progress achieved concerning the implementation of recommendations adopted by the Working Group at its previous session

39. The representative of the European Union stressed that the recommendations of the Working Group should be an end in themselves and that the low rate of feedback from Member States deserved reflection. She suggested that the reasons as to why there was such a low rate of feedback could relate to the number of recommendations or to whether they were sufficiently action-orientated.

40. She reminded participants of paragraph 61 (b) of the report on the fourteenth session of the Working Group, in which it had requested that the necessary arrangements be made to ensure that there was sufficient time between its sessions and those of the Human Rights Council to allow for better preparation and to ensure optimal participation.

41. The representative of Brazil noted that a review of the implementation of recommendations could be seen as a cross-cutting challenge to the Working Group. She suggested that the review should take place at the end of the session after all the thematic issues had been discussed.

VII. Exchange and discussion on good practices in combating racism

A. Discussion on measures undertaken to promote more inclusive societies

42. The Mayor of Birmingham, Alabama, noted that his city was the centre of the civil and human rights movement in the United States, which had led to many legislative and practical changes to combat racial, gender and religious discrimination. He noted that a lot of progress had since been achieved but that this progress was placed in jeopardy by rising levels of racial and religious intolerance in the United States and all around the world.

43. Mr. Bell noted that the police were infamous for their discriminatory practices and that police officers in Birmingham, Alabama, were therefore provided with cultural training to sensitize them to cultural differences in order to prevent bias.

44. The Permanent Representative of Singapore to the United Nations Office and other international organizations in Geneva stated that although Singapore was a small country with only 5.6 million inhabitants, it was one of the most religiously, racially and culturally diverse countries in the world. Independence had been thrust upon the State in 1965, at which point it had been decided that no group of people would be favoured or disadvantaged and that everyone would share the same national identity.

45. As part of the country's ethnic integration policy, 80 per cent of the population lived in public housing, with each public housing estate mirroring the ethnic make-up of the State. Each estate also hosted community facilities and spaces, which helped to build harmonious communities.

46. Mr. Foo further underscored that Singapore took a firm stance against racist, religious and chauvinist hatred and that it had passed and implemented various acts to deter religious and racial strife.

47. Mr. Foo reiterated the importance of nurturing racial ties, of engaging different religious leaders in discussion, and of organizing events where different groups could come together to discuss problems and come up with solutions for resolving them.

48. Benedetto Zacchiroli, President of the European Coalition of Cities against Racism, stated that his organization was a regional network of 128 cities under the umbrella of the International Coalition of Inclusive and Sustainable Cities of the United Nations Educational, Scientific and Cultural Organization (UNESCO).

49. He noted that by signing the 10-point plan of the European Coalition, mayors of those cities had committed themselves to monitoring racism in their cities and to actively combating racial discrimination. He further noted that the fight against racism in European cities was a synergistic action between multiple stakeholders, including civil society organizations, universities, the media, the private sector and opinion leaders.

50. Ms. Castilla Peon focused on the way in which local governments and cities were involved in eliminating racism. The Council had for instance collected statistical data on people's perceptions of racism which showed that people in Mexico were not used to thinking about race as a ground for discrimination and were hence ashamed to report it. In response, the efforts of the Mexico City Council to Prevent Discrimination had been aimed at promoting the social acceptance of racism through publicity and awareness-raising in the media. It had also promoted multilingualism by translating laws and procedures into languages spoken by minorities. Mexico City had also recently adopted a new constitution, which, for the first time, made reference to the concepts of Afrodescendants, Islamophobia and anti-Semitism. The Council had also worked closely with civil society organizations to allow people of African descent to maintain their cultural practices and fight for social recognition and political participation.

51. Mr. Saleem stated that the national societies of the Red Cross and the Red Crescent played a prominent role in putting thoughts about social inclusion into action. He noted that combating discrimination was high on the agenda of the International Federation of Red

Cross and Red Crescent Societies and that its third strategic aim was to promote social inclusion and a culture of non-violence and peace. He noted that the Federation provided long-term services to ensure social inclusion, non-discrimination and respect for diversity.

52. Mr. Saleem pointed to a number of examples where the Federation was engaged with local communities in building inclusive societies, such as in Finland where it had launched an anti-racism campaign in schools and developed the refugee buddy system whereby young people were encouraged to understand better the realities of life for migrants and refugees. Mr. Saleem underscored the importance of engaging young people as agents of behavioural change.

B. Training and awareness-raising for law enforcement officials and the judiciary

53. The Secretary-General of the National Consultative Commission on Human Rights in France delivered her presentation on the training and awareness-raising practices used by the Commission to combat racism, and outlined several of the shortfalls and successes of those practices in France. She highlighted the importance of training in combating racism through a number of examples of French public policy in that regard.

54. Ms. Lafourcade welcomed efforts to diversify the support provided for training practices, such as thematic and practical workshops, training online and the dissemination of information by leaflets. However, she outlined a number of issues where there should be improvement. They included the constant updating of training practices and regular evaluation in order to check the efficiency of the training. Another important aspect she highlighted was the provision of training practices at the National School for the Judiciary for judges, prosecutors, clerks, police officers, police commissioners, prison governors and administrators of the National Assembly and the Senate.

55. Mr. Analian presented the activities undertaken by the Argentinian National Institute against Discrimination, Xenophobia and Racism on capacity-building and awareness-raising for the security forces and the judiciary. He noted that the Argentinian colonial past had fostered xenophobia and racism towards Africans, African descendants and people of Asian and indigenous origin, and that xenophobia also targeted specific socioeconomic groups in Argentina, such as migrants and asylum seekers from neighbouring countries.

56. He noted that the training provided by the Institute aimed to promote respect, the observance and development of anti-discriminatory practices, the protection of victims of discrimination, xenophobia and racism, and the implementation of a public policy which fostered inclusion and equality.

57. The representative of the European Union outlined the activities undertaken in this field, notably in engaging support for member States in developing a human rights-based approach to policy, policing and security. She also stressed that the European Union continued to support the work of relevant European Union agencies and referred to European Union legislation relevant to border management.

58. The representative of South Africa stated that the judiciary system needed to be effective and based on a set of values that protected human rights.

VIII. Monitoring and investigation of hate speech and hate crime

59. Mr. Thornberry noted that in its general recommendation No. 35 (2013) on combating racist hate speech, the Committee on the Elimination of Racial Discrimination had sought to contribute to the promotion of understanding, lasting peace and security among communities, peoples and States, bearing in mind that the prevalence of racist hate speech continued to represent a significant contemporary challenge. He noted that article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination required States parties to declare as offences punishable by law all dissemination of ideas based on racial superiority and hatred, as well as incitement to racial discrimination or

violence and assistance to racist activities. Member States were also mandated to declare racist organizations illegal and prohibit the formation of such organizations.

60. On the qualification of dissemination and incitement as offences punishable by law, the Committee had agreed that the following contextual factors should be taken into account: the content and form of speech; the economic, social and political climate prevalent at the time the speech was made and disseminated; the position or status of the speaker in society and the audience to which the speech was directed; the reach of the speech; and the objectives of the speech.

61. Finally, Mr. Thornberry recalled article 7 of the Convention, in which the positive contribution of teaching, education, culture and information to combat racist hate speech was asserted.

62. Ms. Mercadé focused on the efforts of the European Union in combating hate speech online. She noted that the European Union framework decision on combating certain forms and expressions of racism and xenophobia by means of criminal law criminalized hate speech and hate crime in all member States and that the European Commission had the role of aiding national authorities to effectively implement European Union legislation to combat racism and xenophobia.

63. Ms. Mercadé also noted that the European Union had held its first annual colloquium on fundamental human rights in 2015, at which the focus had been on preventing and combating anti-Semitic and anti-Muslim hatred in Europe. One of the main conclusions of the colloquium had been that the dissemination of hate speech on the Internet and social media had become an increasing concern and that the fight against hate speech required the cooperation of information technology (IT) companies, civil society and the media. As a result, the European Commission had started a dialogue with four major IT companies, namely Facebook, Twitter, YouTube and Microsoft, together with member States and civil society organizations, which in 2016 had led to the adoption of a code of conduct on countering illegal hate speech online.

64. Ms. Mercadé explained that the code of conduct was a set of voluntary commitments for IT companies, which requested that they first of all assess, within a period of 24 hours, the content they had received from users and trusted flaggers, according to national and European Union law on hate speech, and remove that content if necessary. They should also dedicate enough resources to establish a sufficiently large network of trusted flaggers (i.e. specialist NGOs that used special channels to report hate speech) to increase the speed at which content was assessed.

65. Mr. Roth-Fichet, referred to general recommendation No. 15 (1993) on article 4 of the Convention of the Committee on the Elimination of Racial Discrimination, which focused on how to combat hate speech effectively. The European Commission against Racism and Intolerance regarded hate speech as an extreme form of intolerance, which, if unaddressed, could be the precursor to violent hate crimes. Since 2013, therefore, the Commission had focused its attention on hate speech.

66. He stressed that general recommendation No. 15 did not infringe on the right of freedom of opinion or expression but that conversely, it reaffirmed the fundamental importance of freedom of speech, tolerance and respect for the equal dignity of all human beings and for a democratic and pluralistic society. In recommendation No. 15, the Committee noted that freedom of expression and opinion was not an unqualified right and that it must not be exercised in a manner inconsistent with the rights of others.

67. Mr. Roth-Fichet noted that in general recommendation No. 15 the Committee had proposed that Member States raise awareness of the dangers of hate speech by, for example, developing specific educational programmes.

68. Ms. Del Pino Pacheco acknowledged that intersectionality was a challenge for all States, in particular in constructing specific responses, which comprehensively met that challenge. She called on Member States to adopt policies and programmes which would combat the incitement to hate speech or to racist hatred, both through public initiatives or the media, in particular on the Internet.

69. She stated that the best response to hate speech was through the implementation of an effective legal system. She stressed the importance of having more preventive and educational tools, including education, to promote understanding, combat negative stereotypes and discrimination, and undertake information campaigns and the collection and analysis of statistical data.

70. Mr. Handsford noted that the discussion in the Working Group could not be more timely from the perspective of the United States, where recent debates, protest and tragedies had called into question the country's current practices on freedom of speech, hate speech and hate crime regulation.

71. He reminded Member States that t e Durban Declaration and Programme of Action called on States to consider a prompt and coordinated international response to the rapidly evolving phenomenon of the dissemination of hate speech and racist material through the new information and communications technologies, including the Internet, and to strengthen international cooperation in response. He referred to the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, which showed that with the development of technology, hate speech and hate sites had grown in both number and sophistication, and extremist groups had found the Internet to be a very useful tool for recruiting new members.

72. Mr. Handsford made several recommendations, including that efforts to engage in the debate over the removal of racist symbolism and monuments should be supported and those symbols replaced by art, education and monuments of historic men and women who had promoted the cause of human dignity and racial justice. He also encouraged participants to engage in the debate around hate speech on social media.

73. The representative of the European Union reiterated the importance of having a criminal framework around hate speech but stated that criminalization was not sufficient to combat hate speech and crimes. She also reiterated the importance of making alliances with civil society and the media, and of recognizing and addressing intersectional discrimination.

74. The representative of Brazil noted that racist hate speech undermined freedom of expression and called on Member States to be aware of the debate on hate speech and freedom of expression. She stated that Brazil had a punitive and preventative approach to racially motivated crimes. With regard to online hate speech, Brazil dealt with such offences in its legislation and also criminalized those who were complicit by sharing hate speech content online.

75. The representative of South Africa noted that hate speech was one of the most complicated and unregarded topics, and that it had the potential to undermine the democratic fabric of society. The representative explained that in early 2016, a series of hate speech and hate crime incidents had taken place in South Africa. That had led to a public outcry over racism, which had been the catalyst for the finalization of the bill on the prevention and combating of hate crimes and hate speech. He explained that the bill had sent a clear message to the public that hate speech and hate crimes would not be tolerated in South Africa.

IX. Migrants and refugees: examples of good practices in protection against racism, racial discrimination, xenophobia and related intolerance

76. Ms. Touzenis gave an overview of the international legal framework relating to human rights and refugees, and of the challenges faced by migrants regarding discriminatory practices. She stressed that international human rights were inalienable and not dependent on the geographical location of a person, and insisted that there should be a focus on the discourse around migrants and migration in order to make sure that the public understood migrants' rights and the importance of respect for human rights.

77. Ms. Touzenis outlined the importance of granting labour rights to migrants and refugees, with a view to stopping exploitation and the imposition of unfair working

conditions on groups of workers who, without any labour rights, could become even more marginalized and more vulnerable to discrimination. She also stressed the need for more initiatives for social inclusion, in particular at the level of local government, as social inclusion created less tension in society, more participation and less discrimination. Ms. Touzenis concluded with a reference to the global compact on refugees, noting that it should be based firmly on existing international legal standards and contain certain goals grounded on indicators formed by international standards.

78. Ms. Crawley provided an overview of the key challenges faced by migrants and refugees in society. She noted that the discussion around migrants and refugees had become politically toxic in the United Kingdom and migrants and refugees had become stigmatized to a greater extent than before.

79. Ms. Crawley raised the issue of the way in which opinion polls around migrant-related questions were conducted. She noted that the role of the media was particularly crucial, as it was often the principle source of anti-migrant messages and of negative attitudes towards migrants and refugees. She stressed that the economic and social consequences of migration were not the fault of migrants and refugees themselves, but in fact a failure by the Government to implement policies created to address the issue effectively.

80. Mr. Saleem presented an overview of all the initiatives undertaken by the International Federation of Red Cross and Red Crescent Societies and by all the participating national societies of the Federation. He noted that the Federation initiative "Strategy 2020" aimed to identify the structural and cultural causes of the social exclusion of migrants and refugees and factors of difference or "diversity". He stressed the importance of removing inequality through improved social inclusion and making society more inclusive as a means of providing equal opportunities, resources and rights to migrants, and easing their adjustment to a new more inclusive society.

81. Mr. Saleem gave several examples of programmes set up to support equal opportunities for migrants and refugees, such as through peer support, volunteering and cultural activities. Such programmes aimed to provide access to labour markets for migrants and others, supporting migrant students and children, raising public awareness, starting school-based initiatives with the participation of host communities and bringing people together through community engagement and sports.

82. The representative of the European Union stated that in the light of the current international refugee and migration crisis, the framing of a racial discrimination discourse in the context of migration was highly pertinent. She emphasized that the European Union remained deeply concerned by the level of discriminatory practices and xenophobic narratives that portrayed refugees and migrants as a threat to national security and that it condemned all kinds of discriminatory and disproportionate counter-terrorism measures.

83. The representative of South Africa commended the New York Declaration for Refugees and Migrants, which recognized the reality of migration and reflected the need for greater international cooperation, solidarity, and equitable responsibility for hosting and supporting forcibly displaced persons.

X. Conclusions and recommendations

A. Discussion on the state of racial discrimination worldwide

Conclusions

84. **The Working Group:**

(a) **Reaffirms its commitment to the full and effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, the Durban Declaration and Programme of Action, the Outcome Document of the Durban Review Conference and the political declaration of the high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the**

Durban Declaration and Programme of Action. It also reaffirms the fundamental importance of accession to or ratification of the International Convention on the Elimination of All Forms of Racial Discrimination;

(b) Notes with deep concern that manifestations of racism, racial discrimination, xenophobia and related intolerance have been increasing all over the world and points out that efforts to combat their spread should be enhanced at international, regional, national and local levels;

(c) Recognizes that victims of racism, racial discrimination, xenophobia and related intolerance can suffer multiple, aggravated or intersecting forms of discrimination based on other related grounds, such as age, sex, language, religion, political or other opinion, social origin, property, disability, birth or other status;

(d) Recognizes that many contemporary forms of racism, racial discrimination, xenophobia and related intolerance are related to the legacy of slavery and colonialism, and that the effects and persistence of those structures and practices continue to be among the factors contributing to lasting social, economic and political inequalities in many parts of the world today;

(e) Expresses deep concern that indicators in the fields of education, employment, health, housing, imprisonment, participation in all aspects of society, infant mortality and life expectancy continue to show a situation of disadvantage for many groups worldwide, and recognizes that racism, racial discrimination, xenophobia and related intolerance is one of the contributing factors to those inequalities;

(f) Expresses deep concern about the rise of extremist political parties, movements and groups that seek to normalize racism and discrimination, and invites Member States to develop targeted policies and measures to counter those parties, movements and groups.

Recommendations

85. The Working Group recommends that Member States:

(a) Fully and effectively implement their obligations arising under international law, particularly the non-discrimination clauses in the Charter of the United Nations; the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Elimination of All Forms of Racial Discrimination. Those States that have not yet done so are urged to consider ratifying those two Covenants and the Convention;

(b) Establish mechanisms, as appropriate, to follow up and implement recommendations on racism, racial discrimination, xenophobia and related intolerance, including those relating to people of African descent emanating from international mechanisms, such as the Committee on the Elimination of Racial Discrimination and other treaty bodies, special procedures mandate holders, the universal periodic review and relevant regional mechanisms;

(c) Cooperate fully and respond positively to requests for country visits by the Working Group of Experts on People of African Descent and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and other human rights mechanisms working on issues related to racism, racial discrimination, xenophobia and related intolerance;

(d) Establish national legislative frameworks and national action plans against racism, racial discrimination, xenophobia and related intolerance, in accordance with the International Convention on the Elimination of All Forms of Racial Discrimination, if they have not already done so;

(e) Establish or strengthen, as appropriate, and equip specialized bodies and mechanisms for the implementation of public policies to eradicate racism, racial discrimination, xenophobia and related intolerance, and promote racial equality with

suitable financial resources and the capability and capacity to survey, investigate, educate and undertake public awareness-raising activities in line with the Durban Declaration and Programme of Action, and the Outcome Document of the Durban Review Conference;

(f) Collect, compile, analyse, disseminate and publish reliable statistical data at the national and local levels, and undertake all other related measures that are necessary to assess regularly the situation of individuals and groups who are victims of racism, racial discrimination, xenophobia and related intolerance. Such statistical data should be disaggregated in accordance with national legislation. Any such information shall, as appropriate, be collected with the explicit consent of the victims based on their self-identification and in accordance with provisions on human rights and fundamental freedoms, such as data protection regulations and privacy guarantees. That information must not be misused;

(g) Take effective action to address the root causes of racial discrimination, notably acknowledging the legacy of slavery and colonialism and its implications for contemporary forms of economic, social, political and cultural inequalities and discrimination. In that regard, Member States should develop and support activities aimed at promoting greater knowledge of, and respect for, the culture, history and heritage of affected groups;

(h) Implement educational activities and measures, including human rights training at various levels and in different sectors, to raise awareness of the scourge of racism, racial discrimination, xenophobia and related intolerance, and prevent and combat effectively their occurrence;

(i) Take positive measures, if they have not already done so, to eliminate the conditions that cause or contribute to the perpetuation of racial discrimination against, and exclusion of, affected groups in all spheres of public life, including the adoption of affirmative action, where it is in accordance with national law, in the Member States in which they live, and pay particular attention to multiple, aggravated or intersecting forms of discrimination;

(j) Pay specific attention to the situation of victims of racism, racial discrimination, xenophobia and related intolerance while implementing the United Nations 2030 Agenda for Sustainable Development, with a view to creating better living conditions for the most marginalized and ensuring that no one is left behind;

(k) Develop a comprehensive approach to counter violent manifestations of racism, racial discrimination, xenophobia and related intolerance, including by extremist political parties, movements and groups, through solid legal frameworks, complemented by other measures such as education and awareness-raising programmes and a victim-centred approach.

86. The Working Group recommends that:

(a) States parties that have not yet done so, consider making a declaration under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination on the recognition of the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation;

(b) Governments ensure that textbooks and other educational materials accurately reflect historical facts, as they relate to past tragedies and atrocities, so as to avoid stereotypes and distortion or falsification of historical facts, which may lead to racism, racial discrimination, xenophobia and related intolerance;

(c) The United Nations High Commissioner for Human Rights take measures in accordance with paragraph 193 of the Durban Programme of Action for the appointment and designation of good will ambassadors in all countries of the world in order, inter alia, to promote respect for human rights and a culture of

tolerance and to increase the level of awareness of the scourge of racism, racial discrimination, xenophobia and related intolerance.

B. Measures to be taken to enhance the effectiveness of the follow-up mechanisms to the Durban Declaration and Programme of Action and to ensure better synergy and complementarities in the work of those mechanisms, in line with article 124 of the Outcome Document of the Durban Review Conference

Conclusions

87. The Working Group:

(a) Recognizes the importance of the continued efforts aimed at improving the efficiency and effectiveness of the Durban follow-up mechanisms and commits to increasing efforts aimed at avoiding overlapping and/or duplication of initiatives;

(b) Notes that one of the follow-up mechanisms, the group of independent eminent experts, has not been fully operational, owing to the lack of three experts, and requests that steps be taken to expedite the appointment of those experts.

Recommendations

88. The Working Group recommends that:

The Durban follow-up mechanisms, together with the treaty monitoring bodies and special procedures mandate holders, discuss key issues of common interest. In that regard, the Working Group requests the Office of the United Nations High Commission for Human Rights (OHCHR) to explore the possibility of organizing consultations, during the annual meeting of the Chairs of the human rights treaty bodies, between the Chairs of the Durban follow-up mechanisms and the Chairs of the human rights treaty bodies, with the aim of developing synergies and complementarities between those mechanisms.

C. Review of the progress achieved concerning the programme of activities for the implementation of the International Decade for People of African Descent

Conclusions

89. The Working Group:

(a) Recognizes that people of African descent have historically been, and continue to be, specific victims of human rights violations;

(b) Recognizes that structural racism and discrimination occur at all stages and levels of the administration of justice, including in legislation, law enforcement, courts and tribunals, and detention facilities, leaving people of African descent vulnerable to social and racial profiling and resulting in their overrepresentation in the criminal justice system;

(c) Recognizes the crucial role of civil society organizations, local governments and municipalities in implementing the programme of activities for the International Decade for People of African Descent, in promoting human rights education and raising awareness of racism, racial discrimination, xenophobia and related intolerance, and the importance of close cooperation between civil society and Governments;

(d) Takes note of Human Rights Council resolution 35/30, in which the Council requested the Working Group to include in the programme of work for its sixteenth session a one-day meeting to consider the elaboration of a draft United Nations declaration on the promotion and full respect of human rights of people of

African descent. In that regard, the Working Group encourages States to engage in national and regional consultations with a view to preparing for the aforementioned session;

(c) Takes note of Human Rights Council resolution 34/33 on the establishment of a forum of people of African descent, in accordance with the recommendation contained in paragraph 29 (i) of the programme of activities for the implementation of the International Decade for People of African Descent

Recommendations

90. The Working Group recommends that Member States:

(a) Develop national policies and mechanisms for people of African descent in line with the Durban Declaration and Programme of Action and the programme of activities for the implementation of the International Decade for People of African Descent. In that regard, the Working Group urges Member States, as appropriate, to revise their legislation and/or repeal discriminatory effects therein and adopt public policies aimed at promoting and protecting all human rights of people of African descent, notably by recognizing the multiple forms of discrimination faced by people of African descent;

(b) Develop and reinforce their cooperation with, and support to, civil society organizations that work towards eliminating racism, racial discrimination, xenophobia and related intolerance, and implement the programme of activities for the International Decade for People of African Descent at the national, local and municipal levels.

D. Review of the progress achieved concerning the implementation of recommendations adopted by the Working Group at its previous session

Conclusions

91. The Working Group:

(a) Takes note of the report of the Secretary-General concerning the programme of activities for the implementation of the International Decade for People of African Descent (A/71/290) and of the contributions made by Member States with regard to their activities to combat racism, racial discrimination, xenophobia and other related intolerance and to the implementation of the recommendations adopted by the Working Group;

(b) Reaffirms the importance of assessing the level of implementation of its recommendations, sharing practices and discussing challenges and the way forward.

Recommendations

92. The Working Group recommends that:

(a) OHCHR make arrangements to ensure that there is sufficient time between the sessions of the Working Group and those of the Human Rights Council to allow for better preparation and to ensure optimal participation. In that regard, it requests OHCHR, after consultation with conference services at the United Nations Office at Geneva, to propose new dates for the next session of the Working Group;

(b) Member States report on their activities to combat racism, racial discrimination, xenophobia and related intolerance and their activities to implement the recommendations adopted by the Working Group during its previous session in preparation for the next session of the Working Group. In that regard, the Working Group requests that OHCHR, when inviting Member States and other stakeholders to contribute to the report of the Secretary-General on the theme of "A global call for action for the total elimination of racism, racial discrimination, xenophobia and

related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action", also invite them to provide information on the measures undertaken to implement the recommendations adopted by the Working Group at its previous session.

E. Discussion on measures undertaken to promote more inclusive societies

Conclusions

93. The Working Group:

(a) Welcomes the efforts and contributions made by Governments, municipalities and non-governmental actors for the promotion of more inclusive societies, and encourages the emulation of such initiatives;

(b) Takes note in that regard of the work undertaken by various cities, as well as networks of cities, against racism, and encourages the elaboration of codes of conduct and action plans, such as the 10-point action plan elaborated by the European Coalition of Cities against Racism;

(c) Recognizes that the equal participation of all individuals and groups in the building of just, equitable, democratic and inclusive societies contributes to a world free from racism, racial discrimination, xenophobia and related intolerance;

(d) Recognizes that the preservation and promotion of tolerance, pluralism and respect for diversity contribute to more inclusive societies;

(e) Recognizes the importance of dialogue and exchange between and within religious and cultural communities at national, regional or international levels as a forum for communication, discussion, networking and the learning and sharing of ideas and good practices to foster harmony, tolerance and coexistence in those communities.

Recommendations

94. The Working Group recommends that:

(a) Member States adopt and implement, at both the national and international levels, effective policies and measures, in addition to existing anti-discrimination national legislation and relevant international instruments and mechanisms, which encourage all individuals, institutions and civil society to take a stand against racism, racial discrimination, xenophobia and related intolerance, and to recognize, respect and maximize the benefits of diversity within and among all nations;

(b) Member States undertake public information and education programmes to raise awareness and understanding of the benefits of cultural diversity, including programmes where the public authorities work in partnership with international and non-governmental organizations, other sectors of civil society and the private sector;

(c) Members States explore ways of expanding the role of non-governmental organizations in promoting more inclusive societies;

(d) OHCHR and other relevant United Nations entities provide technical assistance to support Governments with regard to their efforts to combat racism, racial discrimination, xenophobia and related intolerance, at both the national and local levels, including in cities and municipalities.

F. Training and awareness-raising for law enforcement officials and the judiciary

Conclusions

95. **The Working Group:**

(a) **Expresses deep concern about cases of lack of accountability for acts of racial discrimination and violence, which result in the denial of the human rights of the victims of such acts and violence;**

(b) **Recognizes the challenges of ensuring that judges and law enforcement officials are aware of racially motivated offences and that they are able to identify the aggravating character of racist offences;**

(c) **Recognizes the importance of training the personnel of the judiciary, law enforcement officials and officers at the border and in detention facilities to prevent and fight racism, racial discrimination, xenophobia and related intolerance.**

Recommendations

96. **The Working Group recommends that:**

(a) **Member States combat impunity for acts of racism, racial discrimination, xenophobia and related intolerance, secure expeditious access to justice and provide fair and adequate redress for victims;**

(b) **Member States do not resort to profiling based on grounds of discrimination prohibited by international law, including on the grounds of race, colour, descent or national or ethnic origin, and that they prohibit it by law;**

(c) **Member States formulate and implement training programmes for law enforcement officials, immigration and border officials and members of the judiciary with a view to sensitizing them to racism, racial discrimination, xenophobia and related intolerance, and to developing the necessary skills for the identification, recording, investigation, prosecution and sanctioning of racist crimes, and for ensuring the fair and adequate treatment of victims;**

(d) **National human rights institutions and civil society organizations develop capacity-building, awareness-raising and training materials for law enforcement officials, members of the judiciary and relevant civil servants, with a view to preventing racism, racial discrimination, xenophobia and related intolerance in the enforcement of the law;**

(e) **In that regard, OHCHR use its capacity-building framework to develop anti-racist training tools for the use of the judiciary and law enforcement officials, building upon existing good practices.**

G. Monitoring and investigating hate speech and hate crimes

Conclusions

97. **The Working Group:**

(a) **Recognizes that the prevalence of racist and xenophobic hate speech in all regions of the world continues to represent a significant contemporary challenge for human rights;**

(b) **Expresses deep concern about the use of new information technologies, such as the Internet, for purposes contrary to respect for human dignity, equality, non-discrimination, respect for others and tolerance, including propagating racism, racial discrimination, xenophobia and related intolerance, and that, in particular, children and youth having access to such material could be negatively influenced by it;**

(c) **Recognizes that hate speech negatively affects and diminishes the enjoyment of freedom of expression;**

(d) **Recognizes that particular attention should be paid to women who continue to be the victims of multiple and intersecting forms of discrimination and hate speech;**

(e) **Recognizes that hate speech manifests itself in different forms and that owing to the compound nature of hate speech and hate crime, there continues to be a lack of statistical data, as well as underreporting, on the numbers of victims of hate speech or on the numbers of authors of hate speech;**

(f) **Acknowledges that victims of hate speech and hate crime are not always fully aware of how to assert their rights in administrative, civil or criminal procedures and that a lack of information on their rights prevents victims from reporting hate speech offences;**

(g) **Takes note of general recommendation No. 35 (2013) on combating racist hate speech of the Committee on the Elimination of Racial Discrimination, in particular paragraphs 13–15, which provide guidelines to Member States on the offences punishable by law and the qualification used for dissemination and incitement as offences punishable by law. Contextual factors that should be taken into account are the content and form of hate speech, the economic, social and political climate, the position or status of the speaker and the reach and objectives of the speech;**

(h) **Recognizes the importance of good practices, including legislation and initiatives taken at the national and regional level, in addressing the issue of online hate speech, and in that connection acknowledges the policy of the European Union on combating online hate speech, such as the code of conduct on countering illegal online hate speech signed by Facebook, Twitter, YouTube and Microsoft, as a way to involve IT companies and social media providers in the fight against hate speech;**

(i) **Recognizes the need to promote the use of new information and communication technologies, including the Internet, to contribute to the fight against racism, racial discrimination, xenophobia and related intolerance, as new technologies can assist the promotion of tolerance and respect for human dignity, and the principles of equality, non-discrimination and democracy;**

(j) **Recognizes that a solid legal framework should be combined with combating the root causes of racist hate speech, including stereotypes and prejudices;**

(k) **Acknowledges the importance of educational activities at all levels as a way of combating the root causes of hate speech and the necessity of using counter-speech as a mechanism to combat hate crime.**

Recommendations

98. **The Working Group recommends that Member States:**

(a) **Effectively implement legal sanctions, in accordance with relevant international law, to combat racist and xenophobic hate speech that incites violence or hatred;**

(b) **Ensure that racist and xenophobic hate speech that incites violence or hatred is a criminal offence, which should be brought before an independent court or tribunal;**

(c) **Include measures against racist and xenophobic hate speech in their national human rights plans and programmes, including their national action plans against racism, racial discrimination, xenophobia and related intolerance;**

(d) **Adopt immediate and effective measures, such as public awareness-raising and education programmes, with a view to combating prejudices which lead to hate speech, promoting understanding, tolerance and dialogue among nations and racial, ethnic, religious and other minority groups, and promoting human rights;**

(e) **Engage with IT companies and social media providers to establish and disseminate specific codes of conduct and measures against the dissemination of messages that incite racism, racial discrimination, xenophobia and related intolerance, and consider setting up mechanisms at the national and international levels, involving relevant civil society organizations to assess and monitor the implementation of such measures;**

(f) **Seize the opportunity of international forums, including the Permanent Forum on Indigenous Issues, the Forum on Minority Issues, and the forum for people of African descent, once it is operational, to engage in discussions on ways to effectively address hate speech and to eliminate derogatory language and negative stereotypes;**

(g) **Collect reliable and comparable data on hate speech and hate crime, taking into account their compound nature, for an accurate analysis of trends and for evidence-based policymaking to prevent such phenomena. Data collection should not only be limited to the lodging of complaints from victims of hate speech, but should also provide for perceptions of victims and their experiences, in particular of those who are hesitant to file a complaint.**

H. Migrants and refugees: protection against racism, racial discrimination, xenophobia and related intolerance

Conclusions

99. **The Working Group:**

(a) **Acknowledges that migration occurs on a cross-regional, as well as intraregional basis;**

(b) **Acknowledges the positive economic, social and cultural contributions made by migrants to countries of both origin and destination;**

(c) **Acknowledges that migrants and refugees can be the victims of multiple and intersecting forms of discrimination, especially racism, racial discrimination, xenophobia and related intolerance, and encourages international organizations, academic institutions, Member States and civil society to carry out further studies in that regard;**

(d) **Acknowledges that rising violence against migrants, refugees and asylum seekers poses a serious threat to social cohesion and is often linked to racism, racial discrimination, xenophobia and related intolerance;**

(e) **Acknowledges that xenophobia about non-nationals, particularly migrants, refugees and asylum seekers, constitutes one of the main sources of contemporary racism, and that human rights violations against members of such groups occur widely in the context of discriminatory, xenophobic and racist practices;**

(f) **Acknowledges that certain media, by promoting false images and negative stereotypes of vulnerable individuals or groups of individuals, particularly migrants and refugees, have contributed to the spread of xenophobic and racist sentiments among the public and in some cases have encouraged violence by racist individuals and groups;**

(g) **Acknowledges that migrants, refugees and asylum seekers are entitled to human rights and fundamental freedoms in accordance with international human rights law and relevant international instruments;**

(h) **Reaffirms that Member States are under an obligation to protect fully and effectively the human rights of all migrants, regardless of their migration status, consistent with their obligations under international law;**

(i) **Further reaffirms that States should protect migrants and refugees from all forms of discrimination, exploitation and violence, regardless of their race, colour,**

sex, language, religion, political or other opinion, national or social origin, property, birth or other status, their motives for seeking to cross international borders, or the circumstances in which they have travelled or are found. States should ensure that they protect migrants from multiple and intersecting forms of discrimination throughout their migration.

Recommendations

100. **The Working Group recommends that Member States:**

(a) **Manage large movements of refugees and migrants in a humane, sensitive, compassionate and people-centred manner, acknowledging a shared responsibility in that respect;**

(b) **Consider acceding to or ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;**

(c) **That States parties to International Labour Organization and United Nations conventions, including the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, implement their obligations in that regard;**

(d) **Repeal or amend all laws or measures that may give rise to discrimination against migrants, including direct and indirect discrimination based on multiple grounds;**

(e) **Provide specific and tailored protection to vulnerable groups of refugees and migrants in vulnerable situations, in particular minors, and put in place institutional frameworks and laws that effectively protect women and children migrants;**

(f) **Condemn and take effective measures to counter all acts, manifestations and expressions of racism, racial discrimination, xenophobia and related intolerance against migrants and refugees, and the negative or derogatory stereotypes that incite hatred of and violence against them, including through accessible complaint mechanisms, holding perpetrators accountable and ensuring effective remedies;**

(g) **Promote education on the human rights of migrants and engage in information campaigns to ensure that the public receives accurate information regarding migrants and migration issues, including the positive contribution of migrants to the host society and the vulnerability of migrants, particularly those who are in an irregular situation;**

(h) **Design and implement awareness-raising campaigns and activities on migration aimed at preventing and eliminating negative perceptions of migrants, with particular emphasis on the promotion of intercultural dialogue and the values of solidarity, respect, tolerance and multiculturalism;**

(i) **Implement specific measures involving the host community and migrants, in order to encourage respect for cultural diversity, promote the fair treatment of migrants and develop programmes, where appropriate, that facilitate their integration into social, cultural, political and economic life, including measures that address the specific needs and vulnerabilities of migrants, in particular with regard to access to justice, health, education, housing and employment, in accordance with their obligations under international law and their commitments under the Durban Declaration and Programme of Action;**

(j) **Create or strengthen independent institutions and mechanisms, including specialized national bodies such as national human rights institutions or ombudspersons, to monitor and report on discrimination against migrants. Such mechanisms that have relevant mandates should consider the intersection of migration with their areas of focus;**

(k) **Include in their national action plans against racism provisions for the protection of migrants in cooperation with employers, trade unions and civil society, and ensure their implementation;**

(l) **Engage with employers, trade unions, politicians, religious leaders and civil society to take action to address racism, racial discrimination, xenophobia and related intolerance in relation to migrants.**

101. **The Working Group recommends that:**

(a) **OHCHR, in coordination with relevant international organizations, collect good practices on addressing racism, racial discrimination, xenophobia and related intolerance within the context of migration, and broadly disseminate them;**

(b) **ILO, IOM, OHCHR, the United Nations Development Programme, UNESCO, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the United Nations Entity for Gender Equality and the Empowerment of Women and all other relevant international, regional, interregional and subregional organizations take further action regarding racism, racial discrimination, xenophobia and related intolerance linked to migration, in accordance with their mandates;**

(c) **Member States and media organizations be encouraged to promulgate positive images of migrants and refugees.**

Annex I

List of attendance

Member States

Algeria, Argentina, Belgium, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Colombia, Congo, Cuba, Czechia, Dominican Republic, Finland, France, Greece, Guatemala, Haiti, Iran (Islamic Republic of), Italy, Japan, Kenya, Kuwait, Latvia, Libya, Luxembourg, Malaysia, Mexico, Morocco, Namibia, Pakistan, Panama, Peru, Portugal, Qatar, Russian Federation, Rwanda, Sierra Leone, Slovakia, South Africa, Syrian Arab Republic, Tajikistan, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of), Zimbabwe

Non-Member States represented by observers

Holy See, State of Palestine

Intergovernmental organizations

African Union

European Union

Organization of Islamic Cooperation

Non-governmental organizations in consultative status with the Economic and Social Council

Commission africaine des promoteurs de la santé et des droits de l'homme

Arab Commission for Human Rights

Baha'i International Community

International Youth and Student Movement for the United Nations

Rencontre africaine pour la défense des droits de l'homme